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265 Franklin Street  
Boston MA 02110

**MAILED**

**AUG 25 2011**

**OFFICE OF PETITIONS**

In re Patent No. 7,553,828 :  
Nelson et al. : DECISION UPON REMAND AND  
Issue Date: June 30, 2009 : RECONSIDERATION OF  
Application No. 10/786,881 : PATENT TERM ADJUSTMENT  
Filed: February 24, 2004 : AND NOTICE OF INTENT  
Attorney Docket No. TTP 117728- : TO ISSUE CERTIFICATE OF  
22201 : CORRECTION  
Title: 9-Aminomethyl :  
substituted minocycline  
compounds

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by seven hundred and three (703) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by seven hundred fifty-four (703) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery A. Fries  
Senior Legal Advisor Attorney

Patent No. 7,553,828      Application No. 10/786,881  
Office of Patent Legal Administration  
Office of Associate Commissioner  
For Patent Examination Policy

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Enclosure:    Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,553,828

DATED : June 30, 2009

**DRAFT**

INVENTOR(S) : Nelson et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 358 days

Delete the phrase "by 358 days" and insert – by 703 days--



PTA/PTE Information    Patent Term Adjustment    Patent Term Extension

Application Number\*: 10786881

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[Explanation of PTA Calculation](#)

[Explanation of PTE Calculation](#)

PTA Calculations for Application: 10786881

Application Filing Date	02/24/2004	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent	06/30/2009	Non-Overlapping USPTO Delays:	570
A Delays	570	PTO Manual Adjustment	345
B Delays	0	Applicant Delay (APPL)	212
C Delays	0	Total PTA (days)	703

\* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
118	08/22/2011		P028	Adjustment of PTA Calculation by PTO	345	0	
107	06/30/2009		PTAC	Patent Issue Date Used in PTA Calculation		0	
107.5	06/10/2009	02/24/2007	PTA36M	PTA 36 Months	0	0	
105	06/01/2009		EFDC	Export to Final Data Capture		0	
104	05/29/2009		D1935	Dispatch to FDC		0	
103	05/28/2009		PILS	Application Is Considered Ready for Issue		0	
102	05/27/2009		N084	Issue Fee Payment Verified		0	
101	05/27/2009		IFEE	Issue Fee Payment Received		0	
100	05/21/2009		FIDC	Finished Initial Data Capture		0	
99	05/03/2009		QURF	Workflow - Query Request - Finish		0	
98	05/01/2009		MM327	Mail Miscellaneous Communication to Applicant		0	
97	05/01/2009		M327	Miscellaneous Communication to Applicant - No Action Count		0	
96	04/07/2009		PA..	Change in Power of Attorney (May Include Associate POA)		0	
95	04/07/2009		C.AD	Correspondence Address Change		0	
93	04/01/2009		QURI	Workflow - Query Request - Begin		0	
94	03/30/2009		PUBTC	Pubs Case Remand to TC		0	
92	03/16/2009		EIDC	Export to Initial Data Capture		0	
91	03/11/2009		MN/=.	Mail Notice of Allowance		0	
90	03/10/2009		IREV	Issue Revision Completed		0	
89	03/10/2009		DVER	Document Verification		0	
88	03/10/2009		N/=.	Notice of Allowance Data Verification Completed		0	
87	02/27/2009		CNTA	Allowability Notice		0	
86	02/24/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
77	01/04/2009		FWDX	Date Forwarded to Examiner		0	
76	12/16/2008		A...	Response after Non-Final Action		0	
75	12/15/2008		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
74	12/09/2008		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
73	12/01/2008	10/27/2008	MCTNF	Mail Non-Final Rejection	35	67	
71	12/01/2008		CTNF	Non-Final Rejection		0	
70	11/21/2008		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
72	11/14/2008		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
69	10/21/2008		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
68	08/08/2008		FWDX	Date Forwarded to Examiner		0	
67	06/27/2008		A...	Response after Non-Final Action		0	
66	06/13/2008		MCTNF	Mail Non-Final Rejection		0	
65	05/27/2008		CTNF	Non-Final Rejection		0	
64	03/18/2008		P574	Paralegal TD Accepted		0	
62	03/18/2008		FWDX	Date Forwarded to Examiner		0	
60	03/18/2008		FWDX	Date Forwarded to Examiner		0	
58	03/18/2008		ABN9	Disposal for a RCE / CPA / R129		0	
63	02/26/2008	02/26/2008	DIST	Terminal Disclaimer Filed		59	
61	02/26/2008		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0	
59	02/26/2008		RCEX	Request for Continued Examination (RCE)		0	
46	02/26/2008		BRCE	Workflow - Request for RCE - Begin		0	
45	02/19/2008		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
44	02/13/2008		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
57	02/05/2008	11/06/2007	N/AP	Notice of Appeal Filed		21	41
56	02/05/2008		XT/G	Request for Extension of Time - Granted		0	
43	01/08/2008		DOCK	Case Docketed to Examiner In GAU		0	
42	09/05/2007		C.ADB	Correspondence Address Change		0	
41	08/06/2007		MCTFR	Mail Final Rejection (PTOL - 326)		0	
40	08/04/2007		CTFR	Final Rejection		0	
39	06/04/2007		FWDX	Date Forwarded to Examiner		0	
36	05/23/2007		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
38	05/22/2007	03/05/2007	A...	Response after Non-Final Action		78	34

37	05/22/2007	XT/G	Request for Extension of Time - Granted	0
35	03/08/2007	EXIN	Examiner Interview Summary Record (PTOL - 413)	0
34	12/05/2006	MCTNF	Mail Non-Final Rejection	0
33	11/27/2006	CTNF	Non-Final Rejection	0
30	11/21/2006	FWDX	Date Forwarded to Examiner	0
29	11/10/2006	ELC	Response to Election / Restriction Filed	0
31	10/20/2006	IDSC	Information Disclosure Statement considered	0
28	10/20/2006	RCAP	Reference capture on IDS	0
27.7	10/20/2006	M844	Information Disclosure Statement (IDS) Filed	0
27	10/20/2006	WIDS	Information Disclosure Statement (IDS) Filed	0
26	10/11/2006	04/24/2005 MCTRS	Mail Restriction Requirement	535 -1
25	10/02/2006	CTRS	Restriction/Election Requirement	0
24	04/27/2005	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
23	04/27/2005	DOCK	Case Docketed to Examiner in GAU	0
32	03/14/2005	IDSC	Information Disclosure Statement considered	0
20	03/14/2005	RCAP	Reference capture on IDS	0
19.7	03/14/2005	M844	Information Disclosure Statement (IDS) Filed	0
19	03/14/2005	WIDS	Information Disclosure Statement (IDS) Filed	0
18	10/25/2004	WROIPE	Application Return from OIPE	0
17	10/25/2004	COMP	Application Is Now Complete	0
14	10/25/2004	W/OA	Pre-Exam Office Action Withdrawn	0
9	10/25/2004	COMP	Application Is Now Complete	0
13	10/23/2004	ROIPE	Application Return TO OIPE	0
12	10/23/2004	WROIPE	Application Return from OIPE	0
11	10/23/2004	ROIPE	Application Return TO OIPE	0
10	10/23/2004	OIPE	Application Dispatched from OIPE	0
21	09/30/2004	A.PE	Preliminary Amendment	0
16	09/30/2004	08/18/2004 FLFEE	Payment of additional filing fee/Preexam	43 5
6	09/30/2004	OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant	0
5	05/18/2004	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
4	03/29/2004	L194	Cleared by OIPE CSR	0
3	03/29/2004	CLSS	CASE CLASSIFIED BY OIPE	0
2	03/16/2004	SCAN	IFW Scan & PACR Auto Security Review	0
15	02/24/2004	CLAIM	Claim Preliminary Amendment	0
1	02/24/2004	IEXX	Initial Exam Team nn	0

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